Basic information

1994/0249(AVC) AVC - Assent procedure (historic)	Procedure completed
EC/Moldova Partnership and Cooperation Agreement See also 1995/0139(CNS) See also 1996/0088(AVC) See also 2004/0106(CNS) See also 2007/0003(CNS) See also 2010/0102(NLE) See also 2014/0083(NLE) **Subject** 6.40.04 Relations with the Commonwealth of Independent States (CIS) **Geographical area** Moldova	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
AFET Foreign Affairs, Security and Defense Policy	ALAVANOS Alexandros (GUE)	05/10/1994

Committee for opinion	Rapporteur for opinion	Appointed
ENER Research, Technological Development and Energy		

Council of the European Union

Council configuration	Meetings	Date
General Affairs	1778	1994-07-18
Culture	2100	1998-05-28

Key events

Date	Event	Reference	Summary
03/11/1994	Initial legislative proposal published	COM(1994)0477	Summary
08/05/1995	Modified legislative proposal published	COM(1995)0137	Summary
24/07/1995	Legislative proposal published	07804/1995	Summary
18/09/1995	Committee referral announced in Parliament		

30/10/1995	Vote in committee		Summary
30/10/1995	Committee report tabled for plenary, 1st reading/single reading	A4-0273/1995	
29/11/1995	Debate in Parliament		
28/05/1998	Act adopted by Council after consultation of Parliament		
28/05/1998	End of procedure in Parliament		
24/06/1998	Final act published in Official Journal		

Technical information

Procedure reference	1994/0249(AVC)
Procedure type	AVC - Assent procedure (historic)
Procedure subtype	International agreement
Amendments and repeals	See also 1995/0139(CNS) See also 1996/0088(AVC) See also 2004/0106(CNS) See also 2007/0003(CNS) See also 2010/0102(NLE) See also 2014/0083(NLE)
Legal basis	Euratom Treaty A 101-p2 EC Treaty (before Amsterdam) E 228-p2/3-a2 EC Treaty (before Amsterdam) E 238 ECSC Treaty C 095
Stage reached in procedure	Procedure completed
Committee dossier	AFET/4/06938

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0273/1995 OJ C 323 04.12.1995, p. 0005	30/10/1995	
Text adopted by Parliament, 1st reading/single reading		T4-0584/1995 OJ C 339 18.12.1995, p. 0039-0048	30/11/1995	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	10101/1994	04/11/1994	
Legislative proposal	07804/1995	24/07/1995	Summary
Supplementary legislative basic document	N4-0362/1995	24/08/1995	Summary

European Commission

Document type	Reference	Date	Summary

Initial legislative proposal	COM(1994)0477	03/11/1994	Summary
Modified legislative proposal	COM(1995)0137	08/05/1995	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
Decision 1998/0401 OJ L 181 24.06.1998, p. 0001	Summary

EC/Moldova Partnership and Cooperation Agreement

1994/0249(AVC) - 28/05/1998

OBJECTIVE: conclusion of a partnership and cooperation agreement between the European Communities and their Member States and the Republic of Moldova. COMMUNITY MEASURE: Council and Commission decision 98/401/EC, ECSC, Euratom, on the conclusion of the partnership and cooperation agreement between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part. SUBSTANCE: This is a mixed agreement covering the areas of competence of the Community and the Member States. - Duration of the agreement: it is concluded for an initial period of ten years and will be automatically renewed year by year unless one of the two parties objects. - Democratic clause: the agreement is based on respect for human rights and democratic principles and on the Helsinki Final Act and the Charter of Paris. - Most favoured nation clause: applicable for some of the advantages provided by the agreement. - The agreement establishes a political dialogue between the two parties, essentially on strengthening economic and political ties between the Union and Moldova and on international issues. - Areas of cooperation: the agreement provides for the establishment at a future date of a free trade area (in 1998 the parties will consider whether circumstances will allow the beginning of negotiations) and increases cooperation in all the following areas: . trade in goods; . provisions affecting the employment of the nationals of each party; . the establishment and operation of companies; . cross-border supply of services; . payments and capital; . competition; . protection of intellectual, industrial and commercial property; . legislative cooperation; . economic and industrial cooperation (developing business links, promoting and protecting investment, public procurement); . cultural cooperation; . financial cooperation. - The agreement establishes the institutional framework for its implementation (cooperation council, cooperation committee and joint parliamentary cooperation committee). ENTRY INTO FORCE OF THE AGREEMENT: The agreement was signed by the parties on 28 November 1994 and enters into force on 1 July 1998. It incorporates the additional protocol signed on 15 May 1997 allowing Austria, Finland and Sweden to become signatories to the agreement together with the 12 Member States with which the agreement was previously negotiated (see AVC968088).

EC/Moldova Partnership and Cooperation Agreement

1994/0249(AVC) - 24/08/1995 - Supplementary legislative basic document

In a letter addressed to the President of the European Parliament dated 24 August 1995 the Council forwarded to Parliament the definitive draft decision concluding the EC-Moldova cooperation agreement, on the understanding that the legal uncertainties affecting the agreement had been removed. The definitive legal basis is therefore as follows: - Article 95 of the ECSC Treaty; - Articles 54 (second paragraph) and 57 (second paragraph) of the EC Treaty (final sentence); - Articles 66, 73c (second paragraph) of the EC Treaty; - Articles 75 and 84 (second paragraph) of the EC Treaty; - Articles 99, 100, 113 and 235, in conjunction with Article 228 (second and third paragraphs, second line), of the EC Treaty; - Article 101 of the EURATOM Treaty. The position which the Community is to adopt within the Cooperation Council and Committee is to be determined by the Council, at the Commission's instigation, or, if necessary, by the Commission in accordance with the EC, ECSC and EURATOM Treaties.

EC/Moldova Partnership and Cooperation Agreement

1994/0249(AVC) - 08/05/1995 - Modified legislative proposal

Given the Court of Justice's opinion 1/94 of 15 November 1994 on the European Community's competence to conclude the agreements resulting from the Uruguay Round, the procedure envisaged for the present agreement had proven to be inappropriate. Similarly, the provisional application of the Energy Charter (signed on 17 December 1994) required that the legal basis of the agreement be changed whilst respecting the differences between the contents of the partnership and cooperation agreement and the Charter. The legal bases to added further to Articles 113 and 235 of the EC Treaty and Article 101 of the ECSC Treaty initially envisaged (in conjunction with Article 228), were the following: - Article 54(2) and the last sentence of Article 57(2), as with the Energy Charter: the requirements set out in the agreements relating to establishment affected the rules adopted by the Communities on issues relating to the stock exchange and accounting as well as banking and insurance matters; - Article 73c(2) of the EC Treaty, as with the Charter: the requirements set out in the agreement relating to the free movement of capital and payments have concerned the Community since the entry into force of the second stage of EMU; - Articles 75 and 84(2) of the EC Treaty: contrary to the Charter, the agreement would have a certain impact on Community transport regulations (primarily in the maritime sector). According to the Commission, it was not necessary to add any other legal bases, particularly since Article 235 more or less supported the economic cooperation provided for in the agreement. It was not a question of purely extending significantly the provisions in the 1989 agreement. Community competence was not exclusive; rather it should operate in tandem with that of the Member States. The Court's reflections as to the conditions in which exclusive competence could be based on Article 235 through the application of the AETR case law were thus not relevant in this case. Furthermore, the ECSC Consultative Committee had been consulted with regard to the conclusion of the partnership agreement with Moldova (on 16 December 1994).

EC/Moldova Partnership and Cooperation Agreement

1994/0249(AVC) - 03/11/1994 - Initial legislative proposal

This proposal for a decision aimed to enable the conclusion of a partnership and cooperation agreement between the Community and its Member States and the Republic of Moldova. It was a mixed agreement covering areas of Community and national responsibility. It was concluded for an initial period of 10 years and included the following key elements: - establishment of political dialogue; - provisions concerning trade in goods, conditions relating to employment, establishment and the activities of companies, the cross-border provision of services, payments and capital, competition, the protection of intellectual, industrial and commercial property, legislative cooperation, economic and financial cooperation and cultural cooperation; - a conditionality clause on human rights, permitting the suspension of the agreement, even on a unilateral basis, in cases of violation of its key elements, including respect for democratic principles and human rights and the principles of the market economy; - management of the agreement through a three-fold structure: a cooperation council, a cooperation committee and a parliamentary cooperation committee; - prospect of the future creation of a free trade area. In 1998, the Council would assess the situation to determine whether or not the negotiations on such an area could begin; - provisions concerning customs cooperation in a separate protocol. This agreement replaced the economic and trade cooperation agreement concluded between the Community and the USSR in 1989 with regard to the precise interests of the Republic of Moldova.

EC/Moldova Partnership and Cooperation Agreement

1994/0249(AVC) - 30/11/1995 - Text adopted by Parliament, 1st reading/single reading

In adopting the report by Mr ALVANOS (GUE, ELF), Parliament gave its assent to the proposal for a decision to conclude a partnership and cooperation agreement between the European Communities and the Republic of Moldova.

EC/Moldova Partnership and Cooperation Agreement

1994/0249(AVC) - 24/07/1995 - Legislative proposal

In a letter addressed to the President of the European Parliament dated 24 July 1995 the Council presented to Parliament the draft decision concluding the agreement, while at the same time bringing to its attention that doubts still remained as to the inclusion of certain articles in the legal basis of the agreement. The Council reserved the right to determine the appropriate legal basis in a definitive manner at some later stage and undertook to inform Parliament of this in good time. Nevertheless, it was sending the text of the agreement to Parliament in order that the latter might carry out its work. As the wording stood at present, the legal basis of the agreement was as follows: - Article 95 of the ECSC Treaty; - Articles 54 (second paragraph) and 57 (second paragraph) of the EC Treaty (final sentence); - Articles 66, 73c (second paragraph) of the EC Treaty; - Articles 75 and 84 (second paragraph) of the EC Treaty; - Articles 99, 100, 100a, 113 and 235, in conjunction with Article 228 (second and third paragraphs, second line) of the EC Treaty; - Article 101 of the EURATOM Treaty.